

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

October 10, 2007

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Ali-Santosa, Ciardella, Mandal, Sandhu, Tabladillo and Williams
Absent: Azevedo
Staff: Ah Sing, Bejines, Hom, Kunsman, Oliva, Pio Roda and Reliford

**III.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
September 26, 2007**

Chair Williams called for approval of the minutes of the Planning Commission meeting of September 26, 2007.

Commissioner Ali-Santosa noted that his last name was misspelled on page 3 and made the following change to the second paragraph on page 7:

“Commissioner Ali-Santosa said the project is within reasonable walking distance of the Ranch 99 Supermarket and if the development does occur, employees of the high-tech companies that are nearby are given the choice to walk home or ride a bike to work. He said he is in support of the project.”

Motion to approve the minutes of September 26, 2007 as amended.

M/S: Sandhu/Tabladillo

AYES: 5

NOES: 0

ABSTENTION: 1 (Mandal)

**V.
ANNOUNCEMENTS**

Staff had no announcements.

Chair Williams noted that he will not attend the October 24th meeting because of mandatory training at his work and Vice Chair Mandal will run the meeting.

Commissioner Mandal said he needs to be excused at 9 p.m. because of a pressing matter.

**VI.
CONFLICT
OF INTEREST**

Assistant City Attorney Richard Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

Staff had no changes to the agenda.

Commissioner Ali-Santosa requested that Agenda Item No. 1 (Milpitas Parking Task Force Task 1 Technical Memorandum) be moved to the end of the agenda.

Chair Williams said he had asked staff to put that as the first item because of subsequent discussion.

Motion to approve the agenda as submitted.

M/S: Mandal/Sandhu

AYES: 6

NOES: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff had no changes.

Chair Williams opened the public hearing on Item No. 2 (Amendment to the Development Agreement Between The City of Milpitas and Peery/Arrilliga).

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

Motion to approve consent item no. 2.

M/S: Mandal/Ali-Santosa

AYES: 6

NOES: 0

***2 AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MILPITAS AND PEERY/ARRILLAGA:** A request to extend the term (duration) of the agreement and amend other provisions within the Agreement. The Development Agreement affects parcels within the Milpitas Business Park, located at the southwest corner of Highway 237 and Interstate 880 and bounded by the City limits. *(Recommendation: Approval to City Council)*

IX. PRESENTATION

1. MILPITAS PARKING TASK FORCE TASK 1 TECHNICAL MEMORANDUM

Joe Oliva, Principal Transportation Planner, presented the Parking Task Force Task 1 Technical Memorandum documenting existing parking conditions in the City. Mr. Oliva recommended note receipt and file.

Chair Williams recalled that when Home Depot opened at the Great Mall, the Home Depot Task Force had requested that the Mall conduct a parking study during the holidays and asked what was the outcome?

Mr. Oliva said that part of the annual monitoring requirement of the Great Mall after Home Depot was approved was that the Mall would be surveyed three times during the holiday period and three times during the non holiday period. When they were surveyed during the holiday season, if the Mall exceeded 90% occupancy in the parking lot for more than six hours they would be considered in non-conformance with the holiday management plan. The first year it was conducted in the 2001 holiday period they were not in compliance and the City came back to the Commission and added stipulations to their holiday management parking plan. The Mall continued to monitor during the holiday seasons of 2002, 2003 and 2004 and they were in compliance. The condition was written that the Mall would be required to monitor annually at the point if they have three consecutive years of being in conformance, they were not required to monitor but would still have to provide the mitigation measures which were the changeable message signs, people directing traffic and obtain offsite parking for employees and that is why reports are not coming back to the Commission at this point in time.

Chair Williams asked if the Mall is still conducting parking studies? Mr. Oliva said for the Use Permits that are being processed today, staff asked them to conduct the parking monitoring but does not know if they are doing it during the holiday season. He also pointed out that he has not heard any complaints about the parking situation at the Mall.

Chair Williams recalled that only ½ of the parking deck was built and asked when will the rest of the parking deck be built? Mr. Oliva said when staff looked at the holiday management plan they also looked at how the parking was in general during the normal 350 days of the year. He said it is those 15 days of the year during the holidays that tend to have the higher parking demands and that is why the holiday management plan is in place to try and make the best use of the available parking during the holidays by utilizing the parking structure and using off site parking. Staff came to the conclusion and agreed with the developer that it was not money well spent to spend \$5 million to add on to the parking structure for the 15 days of the holiday season where the parking demand is the highest especially when they have not met that 90 percent threshold.

Chair Williams asked if the Mall has communicated to their renters if they are directing their employees to park in the parking structures and outer island sections? Mr. Oliva met with the new Manager of the Great Mall and they were not aware of that condition and made a commitment that they would be more involved in the process.

Chair Williams asked if there was an assessment of parking issues related to garage sales in high-density residential locations. Mr. Oliva said staff did not note any garage sales on weekends, however garage sales usually take place with single-family homes.

Commissioner Ciardella asked if Mr. Oliva could expand on the holiday parking plan. Mr. Oliva said the Mall is willing to work with staff and felt that the more parking they provide for their customers leaves to the success of the Mall and to the success of the City and that is why staff is working with them on the holiday management plan.

Commissioner Ciardella asked where is the off-site parking located and Mr. Oliva said that the Mall is able to use the parking spaces at Heald Business College.

Commissioner Ciardella suggested that the Mall could transport employees and even customers by bus or golf carts.

Vice Chair Mandal asked if the Parking Task Force is placing special considerations in the Transit Oriented Development (TOD) area. Mr. Oliva said they are struggling with parking in the Transit Area Plan. Part of the problem is land use and the other part is transportation because it drives the need for parking spaces and depends on the level of public transportation. Under TOD overlay regulations, there is a 20% parking reduction for projects that are located a ¼ mile of the transit station. In suburban areas, there is still a question of how much of a parking reduction there really is when there is public transportation nearby. It is very challenging in Milpitas because of one of the highest household sizes, cost of housing, multiple people living in units and multiple cars. When looking at parking standards, staff looks at 20% guest parking ratio and 20% reduction for TOD overlay. The task force is going to take a close look at the 15% guest parking which has been part of the problem for new developments in the City.

Commissioner Ali-Santosa asked the Commission to reference the Attachment on page 12 and pointed out that the numbers on the right column are not aligned and asked Mr. Oliva to clean up the final version. Mr. Oliva said that he imported the data from an Excel spreadsheet and will format accordingly.

Commissioner Tabladillo felt that because Milpitas is a suburban area and there are generations of families living in one home and garages are being converted for extra family members, 15% guest parking ratio is not realistic. She asked how will the City ensure that they are providing for the citizens and how will it be incorporated into the parking study? Mr. Oliva said the task force will be looking at those factors, unfortunately, with the City being built out, he doubts that there will be any single-family subdivisions built in the future and most of the housing that is going to be constructed is going to be of the higher density housing. The City is going to have challenges and that is why the parking task force is going to be looking at the guest parking ratio and the provision of parking. It is not just the City and its regulations but also doing the outreach to the development community. It is important for these developers as they market their properties to ensure that there is adequate parking. If Milpitas gets a reputation for not having enough parking it will hurt the development community as well. It is important for staff and the development communities to work together and come up with parking ratios that are fair and do meet the intent.

Commissioner Tabladillo pointed out that churches are also having a problem with overcrowding of parking when they have special events and parents have to park illegally and recommended that this be included in the parking study.

Mr. Oliva said that a lot of religious organizations have their events on weekends and there is an abundance of parking throughout the City on the weekends, however it might not be adjacent to the property. He suggested that maybe through the Planning process if these organizations are going to have these types of events they could be issued a special event permit where they can secure parking for these special events and not have to park illegally.

Mr. Reliford added that when there are special events and parking is exceeded, those projects are brought to the Planning Commission Subcommittee. In regards to shared parking, that can be done but that is dependent on the site.

Commissioner Sandhu asked how many people were involved in conducting the survey. Mr. Oliva said he conducted most of the work himself along with one member of the Parking Task Force.

Chair Williams pointed out that this report is a Note Receipt and File and there is no public hearing.

X. PUBLIC HEARING

2. USE PERMIT AMENDMENT NO. UA2007-6

Cindy Hom, Project Planner, presented a request to increase the banquet seating capacity from 617 seats to 718 seats for Dave and Buster's located at 940 Great Mall Drive. Ms. Hom recommended approval subject to conditions.

Chair Williams asked if the retail space adjacent to Dave and Busters is going to be rented? Ms. Hom deferred the question to the applicant.

Chair Williams pointed out that Dave and Busters plays music outside from time to time and asked if that is allowed? Ms. Hom said that she did not see that as part of the special conditions of approval with their last amendment in 2002.

Chair Williams recalled that neighbors were complaining about Dave and Buster's employees making noise in the parking lot after leaving the night shift and asked if this is still going on? Ms. Hom deferred the question to the applicant.

Chair Williams asked if there have been any complaints filed in regards to the holiday period where there have been excess amount of patrons at Dave and Buster's. Ms. Hom said part of the review was to check with Code Enforcement to see if there have been any complaints and there were none.

Mr. Reliford also explained that the project is routed to various departments and there were no comments from police.

Vice Chair Mandal needed clarification on the following special condition and asked if it is currently being implemented.

10) Dave and Buster's shall actively participate in the Great Mall's holiday parking management program by implementing strategies to insure the available parking supply closest to Dave and Buster is utilized to the greatest extent possible. Examples include but are not limited to Employee incentive programs for carpooling, using public transportation, and/or utilizing the parking structure to ensure adequate surface parking for patrons near Dave and Buster's. The applicant shall submit a Holiday Transportation Demand Management plan for staff review and approval prior to building permit issuance. (P)

Ms. Hom said that currently Dave and Buster's does not have their own transportation demand management program however the Mall does have an overall program and with this condition, the City is asking Dave and Buster's to participate and utilize the same measures.

Mr. Oliva added that staff would assist Dave and Buster's in preparing a holiday incentive parking management plan.

Vice Chair Mandal asked if Dave and Buster's security escorts women to their car? Ms. Hom deferred the question to the applicant.

Chair Williams introduced the applicant.

Brian McFadden, Project Manager for RHL Design Group, 3001 Douglas Parkway, Roseville, CA and Carrie Chancellor, Facilities Director for Dave and Buster's, Dallas, TX, said the applicant has reviewed and is in agreement with the special conditions. Mr. McFadden said that Dave and Buster's concerns are for the safety of patrons and well as nearby residents and will work with mall management on the safety plan. Dave and Busters does employ off duty officers from Milpitas Police Department Thursday through Sunday in conjunction with Mall security and the security are always amenable to walking people out to their cars. He also explained that music is played outside during business hours and Dave and Buster's does have a dedicated employee entrance.

Chair Williams asked Mr. McFadden if he is aware of complaints in regards to employees loitering in the parking lot. Mr. McFadden said that Dave and Buster's have a policy that tells employees not to loiter outside.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Sandhu

AYES: 6

NOES: 0

Mr. Reliford revised special condition no. 11 to the following:

11. Prior to issuance of building permit, Exterior exit doors shall be provided with a continuous, unobstructed path of exit travel to a public way. (F)

The applicant was in agreement.

Motion to approve Use Permit Amendment No. UA2007-6 with special conditions, modified condition no. 11, based on the findings in the staff report.

M/S: Mandal/Sandhu

AYES: 6

NOES: 0

3. USE PERMIT AMENDMENT NO. UA2007-12

Tiffany Kunsman, Project Planner, presented a request to amend Use Permit No. UP2007-4 to allow for indoor onsite consumption of alcoholic (wine, liquor, and beer) beverages at Mandalay Noodle Restaurant located in Calaveras Center at 760 E. Calaveras Blvd. Ms. Kunsman recommended approval subject to conditions.

Chair Williams noted that with the coffee house, restaurants and other businesses inside Calaveras Plaza, he envisions the parking situation to get very crowded during lunch hours. He asked if there has been any dialogue by staff with the applicant relative to its employee parking. Ms. Kunsman said there has not been any dialogue to where employees could park however staff could discuss that with the applicant so they can make sure that their employees use the farthest away parking spaces.

Chair Williams introduced the applicant.

Benny Choo, 760 E. Calaveras Blvd., Milpitas, CA, stated that customers come first and they ask their employees to park the farthest away from the restaurant.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

Motion to approve Use Permit Amendment No. UA2007-12 based on the findings and special conditions noted in the staff report.

M/S: Ali-Santosa/Sandhu

AYES: 6

NOES: 0

**4. USE PERMIT
AMENDMENT NO.
UA2007-3 (Continued from
September 12, 2007)**

Felix Reliford, Interim Planning Director, presented a request to add 32 seats to an existing 52-seat restaurant located at 1741 N. Milpitas Blvd. Mr. Reliford recommended approval subject to conditions.

Chair Williams asked Mr. Oliva if he saw any of the patrons park in the Crescent Shopping Center and j-walk across the street to the other restaurants. Mr. Oliva said that it was noted under a couple of circumstances that there were some customers parking in Crescent square and crossing over into the Lyon's center across the street. It was not noted whether they were j walking or not. Mr. Oliva noted that the applicant did conduct the parking surveys himself and Mr. Oliva did a drive by from time to time to check on him.

Chair Williams said he wants to make sure that staff is sensitive to the Lyon's parking area on any future application submittal, so staff can do the proper assessment for any future applications that there is a issue in that region as far as parking and safety goes.

Commissioner Tabladillo echoed Chair Williams comments.

Chair Williams introduced the applicant.

Kevin Luong, Co-owner of the restaurant at 1741 N. Milpitas Blvd., Milpitas, said in the past year, the restaurant has lost a lot of money and that is why they want to increase the seating because their busiest time of the day is during lunchtime.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

Motion to approve the Use Permit Amendment No. UA2007-3 based on the findings and special conditions noted in the staff report.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

**XI.
ADJOURNMENT**

The meeting was adjourned at 8:45 p.m. to the next regular meeting of October 24, 2007.

Respectfully Submitted,

Felix Reliford
Principal Planner

Veronica Bejines
Recording Secretary